

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNNY LYNN OLD CHIEF,

Defendant.

CR-08-27-BMM-2

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 28, 2017. (Doc. 138.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 24, 2017. (Doc. 138 at 4.) The United States accused Old Chief of violating his conditions of supervised release by 1) refusing to allow a home inspection, 2) failing to provide a breath sample, 3) consuming alcohol, and 4) committing an assault, threatening a public official, resisting arrest, carrying a concealed weapon, and obstruction of

justice. *Id.* at 1. Old Chief denied the first violation, but admitted the remaining violations of the conditions of his supervised release. *Id.* at 3. The violations prove serious and warrant revocation of Old Chief's supervised release.

Judge Johnston has recommended that the Court revoke Old Chief's supervised release and commit Old Chief to the custody of the Bureau of Prisons for fourteen months. *Id.* Judge Johnston further has recommended that 16 months of supervised release follow his custody period. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Old Chief's violations represent a serious breach of the Court's trust. A sentence custody of fourteen months, followed by 16 months supervised release, is sufficient, but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 138) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Johnny Lynn Old Chief is sentenced to custody for fourteen months, followed by 16 months supervised release to include substance abuse treatment.

DATED this 12th day of September, 2017.



Brian Morris
United States District Court Judge